



# Austin City Council MINUTES

October 5, 1995  
1:00 P.M.

Mayor Todd called the meeting to order, Councilmembers Shea and Reynolds temporarily absent.

1. Approval of Minutes for Special Called Meetings of September 11, 1995 and September 27, 1995, and Regular Meeting of September 28, 1995.  
Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmember Mitchell off the dais, Councilmembers Shea and Reynolds temporarily absent.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss city wide issues and senior citizen concerns.
3. Mr. Robert L. Thomas, to discuss Rosewood Park.
4. Mr. Mike Workman, to invite the Council and community to commemorate Friday, October 13, 1995, as the 150th anniversary of the ratification of the first constitution for the State of Texas.
5. Ms. Jan H. Langer, to discuss Town Lake Animal Center fees to become effective October 1, 1995, and to discuss proposed ordinance to restructure citizen animal advisory commission.
6. Mrs. E. J. White, to discuss the increase of fees for rescue groups taking animals out of the shelter for adoption, fees charged for owners releasing animals and the need for new cages for animal control trucks.
7. Ms. Charlotte Wilson, to discuss rollback of \$19 increase fee paid to the animal shelter for rescuing animals.
8. Ms. Margaret Reeder, to discuss animal issues.
9. Mr. John Johnson, to discuss protection of citizens against arbitrary police beatings, verbal abuse, false arrest and perjury by police who decide to "get" a citizen.

## ACTION ON CONSENT AGENDA

## CITY MANAGER REPORT

10. Report on fire at Safeway Farm Products. **(Related to Item 27)**  
Presentation by Robin Paulsgrove.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Authorize initiation of amendments to the Land Development Code, pursuant to Chapter 13-1, Article XIII, Division 1 of the Land Development Code, to provide that a Capital Improvement Project (CIP) will be subject to those water quality regulations in place at the time of the respective bond election which approves the CIP provided that the CIP is permitted and completed within ten years. (Councilmember Eric Mitchell)  
**Correction for the record by Councilmember Reynolds that the item posted was for seven years, it was brought forward as a friendly amendment that was added.**

Motion to sever by Councilmember Reynolds.

Motion to approve on Councilmember Mitchell, Councilmember Reynolds' second, 3-4 vote, Mayor Pro Tem Garcia, Councilmembers Goodman, Nofziger and Shea voting "NO".

Motion fails.

12. Approve a resolution designating funds from the Capital Reserve Account, that are determined mid-year to be available for current year appropriation to be used only to fund unmet public safety needs; and directing the City Manager to develop recommendations for the expenditure of these funds for one-time expenditures in order to enhance public safety. (Councilmember Eric Mitchell)  
**Motion to sever by Councilmember Mitchell.**

Motion to approve on, Councilmember Mitchell's motion, Councilmember Shea's second, 3-1-3 vote, Mayor Todd voting "NO", Mayor Pro Tem Garcia, Councilmembers Nofziger and Reynolds abstaining.

13. Approve a resolution authorizing four City-owned vacant lots at 905 East 14th Street in the Swede Hill neighborhood to be optioned to the Austin Housing Finance Corporation, subject to Austin Housing Finance Corporation's successful negotiation of a land exchange contract with Baylor House, Inc. (Councilmember Eric Mitchell) **[Related to Item 32]**  
**Motion to approve, on Councilmember Mitchell's motion, Councilmember Reynolds' second, 2-4-1 vote, Mayor Todd, Councilmembers Nofziger, Shea and Goodman voting "NO", Mayor Pro Tem Garcia abstaining.**

Motion fails.

Substitute motion by Councilmember Shea, Councilmember Nofziger's second, to dedicate the

four city-owned vacant lots in question as parkland.

Motion withdrawn.

## ORDINANCES

14. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Rialto Boulevard, Case No. C14-94-0113, from "CS", Commercial Services to "MF-2", Multifamily Residence (low density) and "RR", Rural Residence for the 100-year floodplain along the south property line, F.M. PROPERTIES OPERATING CO. (Ernest E. Howard), by Strasburger & Price, L.L.P. (David Armbrust). First reading on November 17, 1994; Vote 4-1, Councilmember Goodman voting "No", Mayor Todd absent, and Councilmember Mitchell out of the room. Second reading on July 27, 1995; Vote 4-3, Nofziger, Goodman and Shea voting "No". (The previous conditional overlay to impose S.O.S. requirements was removed at second reading.)  
**Postponed to November 2, 1995**
15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as Southwest Parkway and Wier Hills Road, Case No. C14-94-0144, From P and I-RR to SF-2. FM PROPERTIES OPERATING CO. (Charles Holmes), by Strasburger & Price (David Armbrust). First reading on September 14, 1995; Vote 4-1, Goodman against and Todd and Shea absent. Note: The recommendation to dedicate up to 30 feet of right-of-way from the centerline of Wier Hills Road was withdrawn by Staff and deleted by the City Council at the first reading of the ordinance. **(Related to Item 26)**  
**Approve second reading, on Councilmember Reynolds' motion, Councilmember Mitchell's second, 4-3 vote, Councilmembers Goodman, Shea and Nofziger voting "NO".**

## RESOLUTIONS

16. Approve negotiation and execution of a contract with GTE SOUTHWEST INC., Irving, Texas, to provide remittance processing services for mailed utility bill payments processed by the Utility Customer Service office, in an amount not to exceed \$229,880 with four (4) twelve (12) month extension options in an estimated amount not to exceed \$236,779 for the first extension option, \$243,882 for the second extension option, \$251,198 for the third extension option, and \$258,734 for the fourth extension option, for a total contract amount not to exceed \$1,220,473. (Funding is available in the 1995-96 operating budget of the Utility Customer Service Office.) Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were identified.  
**Approved**
17. Approve a construction contract award to UNITED PUMP SUPPLY, INC., Austin, Texas, for the permanent closure of an existing fuel facility and the construction of a new fuel facility at Service Center No. 1 in compliance with the Federal Environmental Protection Agency (EPA) and Texas Natural Resources Conservation Commission (TNRCC) regulations, in the amount of \$310,700.02. (Funding was included in the 1995-96 Capital budget of the Financial Services Department.) Low bid of three (3). 6.93% MBE, 0% WBE Subcontractor participation.  
**Approved**
18. Approve execution of a twelve (12) month supply agreement with INTERNATIONAL SUPPLY OF

AUSTIN, INC., Austin, Texas, for the purchase of plumbing supplies for the Building Services Division, Aviation Department and Library Department, in an amount not to exceed \$41,211.10 with two (2) twelve (12) month extension options in an amount not to exceed \$41,211.10 per extension, for a total amount not to exceed \$123,633.30. (Funding is available in the 1995-96 operating budget of the Financial and Administrative Services, Building Services Division \$21,887.60, Aviation Department \$15,684.40, Austin Public Library \$3,639.10. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.

**Approved**

19. Approve a temporary street closure application from the Church of the Good Shepherd for temporary closure of the 2200 block of Moffett Street, on October 14, 1995, for a wedding and reception. (The \$50 street closure fee will be paid by the applicant.)

**Approved**

20. Approve a construction contract award to CORROSION ELIMINATORS, INC., Mineral Wells, Texas, for Internal Coating and Safety Improvements Project at the Jollyville Water Storage Reservoir, located at the southeast corner of McNeil Road and Research Blvd. (U.S. Highway 183), in the amount of \$523,273. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) Low bid of five (5). 3.44% MBE, 0.57% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission October 4, 1995)

**Approved**

21. Approve the selection of MALCOLM PIRNIE, INC., Houston, Texas, for Phase I (preliminary engineering) services for the Govalle Tunnel Odor/Corrosion Control Improvements Project, in the estimated amount of \$150,000. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Best qualification statement of six (6). 10% MBE, 10% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission October 4, 1995)

**Approved**

22. Approve the adoption of an Official Declaration of Intent to Reimburse acquisition and construction cost of 1995-96 Capital Improvements Projects for the City of Austin Water and Wastewater Utility. (No fiscal impact.)

**Approved**

23. Set public hearings for the full purpose annexation of the Mount Bonnell area. (Suggested dates and times: November 2, 1995 at 6:30 p.m. and November 16, 1995 at 5:00 p.m.)

**Approved**

Items 16 through 23 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

## ITEMS FROM COUNCIL

24. Approve an ordinance dedicating four city-owned lots at 905 East 14th Street as parkland. (Councilmembers Michael "Max" Nofziger and Brigid Shea)

**Motion to approve, on Councilmember Shea's motion, Councilmember Nofziger's second 3-3-1 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO", Mayor Pro Tem Garcia abstaining.**

**Motion fails.**

25. Approve a resolution directing the City Manager to develop a plan for affordable housing on the many other existing vacant lots in the Swede Hill neighborhood. (Councilmembers Michael "Max" Nofziger and Brigid Shea)

**Motion to approve, on Councilmember Shea's motion, Councilmember Nofziger's second, 5-1-1 vote, Councilmember Mitchell voting "NO", Councilmember Reynolds abstaining.**

**Friendly amendment by Councilmember Goodman to direct City Manager to develop a plan for affordable housing on other existing vacant lots.**

**Amendment withdrawn.**

26. Approve a resolution directing the City Manager to consider the property locally known as Southwest Parkway and Wier Hills Road for dedication as a neighborhood park. (Councilmembers Michael "Max" Nofziger and Brigid Shea) **[Related to Item 15]**

**Postponed to November 2, 1995**

27. Direct the City Manager to review the safety and storage standards of hazardous chemicals to ensure safeguarding of neighborhoods, provide the Council with an inventory of areas where there is the potential for hazardous material emergency situations impacting neighborhoods, and provide an action plan to alleviate the potential for hazardous situations in neighborhoods, within 30 days. (Mayor Pro Tem Gus Garcia) **[Related to Item 10]**

**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**

28. Amend Ordinance No. 950911-A, the 1995-96 General Fund Operating Budget by decreasing the General Fund Contingency Reserve by \$100,000 and increasing the appropriation of the Parks and Recreation Department by \$100,000 to restore funding for Pioneer Farm; and authorize three (3) additional full-time equivalents.

**Ordinance No. 951005-A, approved with amendment by Mayor Todd to allocate \$50,000 from PARD's Enterprise Fund, adjust FTE (3), accept a \$25,000 Institute for Museum grant and work with other entities for other \$25,000, On Councilmember Reynolds' motion, Councilmember Goodman's second, 5-1-1 vote, Councilmember Nofziger voting "NO", Councilmember Shea abstaining.**

**Substitute motion by Councilmember Shea to negotiate with Pioneer Farms to loan \$100,000 and Heritage Society to raise money to repay City of Austin.**

No second to substitute motion.

29. Direct the City Manager to provide a status report on the results of the Rolling Owner Controlled Insurance Program (ROCIP). (Councilmember Ronney Reynolds) [Related to Item 30]  
**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Mitchell abstaining.**
30. Direct the City Manager to issue a Request for Proposal (RFP) for a new (ROCIP) program subject to outcome of status report. (Councilmember Ronney Reynolds) [Related to Item 29]  
**Approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote.**

Motion to recess on, Councilmember Shea's motion, Councilmember Nofziger's second, 7-0 vote.

### 3:30 P.M. - BOARD OR DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 31 and 32 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.

31. Approve the 1995-96 budget of the Austin Housing Finance Corporation.
32. Approve a resolution authorizing a land exchange contract with Baylor House, Inc., to exchange five lots owned or controlled by Austin Housing Finance Corporation (Four lots at 905 East 14th Street in the Swede Hill neighborhood and one lot at 1105 Navasota Street in the Anderson neighborhood) for six lots owned or controlled by Baylor House, Inc. (4613, 4701, 4703 and 4705 East 12th Street and 1174 and 1172 Webberville House in the Springdale/Webberville CDBG targeted neighborhood) subject to an appraisal valuing the six Baylor tracts equal to or greater than the five (5) AHFC lots, receipt by AHFC from Baylor of an acceptable environmental clearance report with respect to the six Baylor tracts and receipt of acceptable security from Baylor ensuring that the four AHFC lots will be conveyed to low to moderate income homeowners within three years following the exchange of the lands. (Councilmember Eric Mitchell) [Related to Item 13]

### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

33. C14-95-0073 - MICHAEL JOSEPH, 9218 1/2 E. U.S. Hwy. 290. From DR to LO & RR. Planning Commission Recommendation: To Grant LO, Limited Office for area west of Buttercup Creek and SF-1, Single Family Residence (large lot) for area east of Buttercup Creek, subject to a restrictive covenant to be executed prior to third reading which prohibits access across Buttercup Creek, require a 25 foot buffer from the northwest property line, and prohibit disturbance of vegetation within 100-year floodplain. The applicant and the adjacent neighborhood have agreed to a private restrictive covenant that will be executed prior to third reading.  
**Approve first reading only, on Councilmember Shea's motion, Councilmember Reynolds' second 7-0 vote.**

Return to Council Agenda October 19, 1995.

34. C14-95-0094 - SLAUGHTER FIRST LTD. (James Carpenter), by Mathias Company (Jim Wittliff), West Slaughter Lane. From GR-CO to MF-3. Planning Commission Recommendation: Forwarded to City Council without a recommendation.  
**Motion to deny, on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Mitchell off the dais.**

#### PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

35. 5:00 P.M. - Public hearing on full purpose annexation of the following areas: Texas Oaks/Bilbrook, Cherry Creek, Park Ridge, Cullen Road, The Terrace, Ridgewood Road, and Loop 360 Barton Creek.

**No action taken.**

**Close hearing on Councilmember Goodman's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Pro Tem Garcia and Councilmember Mitchell off the dais.**

#### EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

#### Pending/Contemplated Litigation - 551.071

36. Discuss settlement of Bradfield Cummins, II, Ltd., et al. v. City of Austin; Cause No. 94-02877.

#### Advice from Counsel - 551.071

37. Discuss the Walsh Tract Lift Station Relief Interceptor Project, CIP No. 430-237-0447.

#### ACTION ON THE FOLLOWING

38. Approve settlement of Bradfield Cummins, II, Ltd., et al. v. City of Austin; Cause No. 94-02877.
39. Approve the settlement agreement on the Walsh Tract Lift Station Relief Interceptor Project, No. 430-237-0447.

#### APPOINTMENTS

40. MBE/WBE ADVISORY COMMITTEE - JOSE JUAN "RUDY" MUNIZ, FRANK LAM, ELIZABETH SIMPSON, CAMILLE HARMON, CHARLES NICHOLS, ANDREW RAMIREZ, JOYCE SMITH,

GEORGE OSWALD, THOMAS KEMP, LEE SOLIS, VELVA PRICE, LINDA S. JOHNSTON,  
CLIFF KNEZEK.

Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

ADJOURNED: 8:00 p.m.

Approved on this the 19<sup>th</sup> of October, 1995 on, Councilmember Goodman's motion,  
Councilmember Shea's second, 6-0 vote, Mayor Todd absent.